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Dominique Varner TBA #00791182/FIN 18805
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Brendetta A. Scott TBA #24012219/FIN 24592
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ATTORNEYS FOR Select Portfolio Servicing, Inc. Fka Fairbanks Capital Corporation as servicer-in-fact for U.S. Bank
National Association as Trustee of CSFB ABS Trust Series HEAT 2002-1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:

JEANETTE ELAINE SAPPINGTON

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Case No. 05-86652-rcm13

§

§

Chapter 13

DEBTOR

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§

Select Portfolio Servicing, Inc. Fka Fairbanks
Capital Corporation as servicer-in-fact for U.S.
Bank National Association as Trustee of CSFB
ABS Trust Series HEAT 2002-1

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ITS ASSIGNS AND/OR SUCCESSORS

§

IN INTEREST

§

Movant

§

§

V.

§

§

JEANETTE ELAINE SAPPINGTON

§

Debtor and

§

THOMAS DWAIN POWERS, Trustee,

§

Respondents

§

**MOTION OF Select Portfolio Servicing, Inc. Fka Fairbanks Capital Corporation as servicer-
in-fact for U.S. Bank National Association as Trustee of CSFB ABS Trust Series HEAT 2002-1**

**FOR RELIEF FROM THE AUTOMATIC
STAY OF AN ACT AGAINST PROPERTY OF 11 U.S.C. § 362**

TO ALL CREDITORS AND PARTIES-IN-INTEREST:

RULE 4001 NOTICE:

ANSWER REQUIRED. THE TRUSTEE (IF ONE HAS BEEN APPOINTED) OR THE DEBTOR SHALL FILE AN ANSWER TO ANY MOTION FOR RELIEF FROM THE AUTOMATIC STAY WITHIN TWELVE (12) DAYS FROM THE SERVICE OF THE MOTION. UNDER BANKRUPTCY RULE 9006(e) SERVICE BY MAIL IS COMPLETE UPON MAILING; UNDER BANKRUPTCY RULE 9006(f), THREE (3) DAYS ARE ADDED TO THE PERIOD FOR ANSWER OR OTHER RESPONSE WHEN SERVICE IS BY MAIL. THE DEBTOR' ANSWER SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAYS ARE TO BE CONTINUED. IF CREDITOR'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY SHALL BE DEEMED ADMITTED, UNLESS GOOD CAUSE IS SHOWN WHY THESE ALLEGATIONS SHOULD NOT BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Select Portfolio Servicing, Inc. Fka Fairbanks Capital Corporation as servicer-in-fact for U.S. Bank National Association as Trustee of CSFB ABS Trust Series HEAT 2002-1 ("Movant"), a secured creditor herein, and files this its Motion for Relief From the Automatic Stay of an Act Against Property of 11 U.S.C. § 362 as follows:

I.

Jurisdiction and Parties

1. JEANETTE ELAINE SAPPINGTON, the Debtor herein ("Debtor"), commenced the above captioned Chapter 13 case on OCTOBER 16, 2005. THOMAS DWAIN POWERS is the duly appointed and acting Chapter 13 Trustee.

2. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157, 11 U.S.C. § 362, and other applicable Code provisions.

II.

**Request for Relief From the Automatic Stay of
an Act Against Property of 11 U.S.C. § 362**

3. On or about FEBRUARY 15, 2002, for value received, Debtor executed that certain Fixed/Adjustable Rate Note (the "Note") in the original principal sum of \$81,200.00,

bearing interest at the initial rate of 10.0% per annum and being payable as therein set out to the order of FREMONT INVESTMENT & LOAN. A true and correct copy of the Note is attached hereto marked Exhibit "A."

4. The Note is secured by that certain Deed of Trust (the "Deed of Trust") of even date therewith, which Deed of Trust was filed for record in the Official Public Records of Real Property of SHASTA County, Texas, creating a valid, first and prior lien on improved real property in SHASTA County, Texas, being further described as follows

PLEASE SEE ATTACHED EXHIBIT "A" AND MORE COMMONLY KNOWN AS
21308 SHELLY LANE, ANDERSON, CA 96007

("Property"). A true and correct copy of which Deed of Trust is attached hereto marked as Exhibit "B."

5. Movant is the legal and equitable owner and holder of the Note and the lien securing the payment of same.

6. At the time the bankruptcy petition was filed, the Note was due for the September 1, 2004 THROUGH October 1, 2005 installments. The total pre-petition arrearage was \$12,861.57. The total payoff on the Note was \$94,794.18.

7. Debtor defaulted under the terms of the Note by failing to make the payments due thereunder. Movant would show that since the filing of Debtor's bankruptcy petition, the installments due in December 1, 2005 and subsequent installments have not been made.

8. Movant would show the Court that Debtor has no equity in the Property and that the Property is not necessary or essential to the Debtor's reorganization.

9. Movant would further show the Court that the Debtor have neglected to provide

Movant with adequate protection with respect to the Property; alternatively, Movant requests adequate protection.

10. Movant further requests that the automatic stay of 11 U.S.C. § 362 be terminated “for cause” to allow Movant to exercise its rights under the loan documents and applicable law to repossess and/or foreclose its liens on the Property based upon the Debtor’ failure to make the payments due under the Note.

11. Movant further requests that the provisions of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure be waived to enable Movant, its successors and assigns, to immediately enforce and implement the terms of the proposed order granting relief from automatic stay.

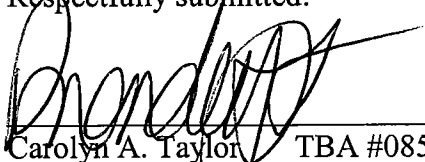
WHEREFORE, PREMISES CONSIDERED, Movant prays for the following relief:

1. That the Court terminate the automatic stay of 11 U.S.C. § 362 to allow Movant to exercise its rights under the loan documents and applicable law to repossess and/or foreclose its liens on the Property because the Debtor lack equity in the Property; alternatively because the Property is not necessary or essential to the Debtor’ reorganization.
2. That the automatic stay of 11 U.S.C. § 362 be terminated to allow Movant to exercise its rights under the loan documents and applicable law to repossess and/or foreclose its liens on the Property based upon the Debtor’ failure and inability to furnish Movant with adequate protection with regard to the Property.
3. Alternatively, that this Court order that the Debtor furnish Movant with adequate protection with regard to the Property.
4. Alternatively, that the automatic stay of 11 U.S.C. § 362 be terminated “for cause” to allow Movant to exercise its rights under the loan documents and applicable law to repossess and/or foreclose its liens on the Property as to the Property for the reasons set out above.
5. That the provisions of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure be waived to enable Movant, its successors

and assigns, to immediately enforce and implement the terms of the proposed order granting relief from automatic stay.

6. For all such other and further relief, general and special, legal and equitable, to which Movant may show itself justly entitled.

Respectfully submitted:



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ATTORNEY FOR Select Portfolio Servicing, Inc.

Fka Fairbanks Capital Corporation as servicer-in-fact
for U.S. Bank National Association as Trustee of
CSFB ABS Trust Series HEAT 2002-1

Of Counsel:

HUGHES, WATTERS & ASKANASE, L.L.P.

333 Clay, 29th Floor

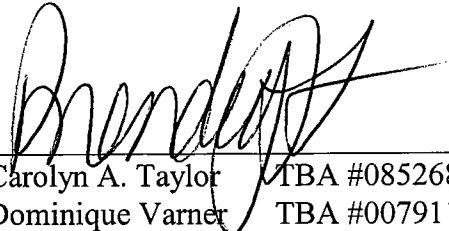
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CERTIFICATE OF CONFERENCE

The undersigned counsel hereby certifies that on February 15, 2006, this office telephoned the office of Debtor' counsel, AREYA HOLDER PRONSKE, at (972) 438-8800 regarding the post-petition default of Debtor. Debtor' counsel expressed opposition to the Motion at this time. We will continue our efforts to work out a resolution to the matter.



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above foregoing Motion of Select Portfolio Servicing, Inc. Fka Fairbanks Capital Corporation as servicer-in-fact for U.S. Bank National Association as Trustee of CSFB ABS Trust Series HEAT 2002-1 for Relief from the Automatic Stay of an Act Against Property of 11 U.S.C. § 362 has been served upon the following parties by first class mail, postage prepaid, or by electronic mail on this 17 day of February 2006.

DEBTOR
JEANETTE ELAINE SAPPINGTON
4110 STONEHAVEN DRIVE
GARLAND, TEXAS 75043

DEBTOR' ATTORNEY
AREYA HOLDER PRONSKE
800 W. AIRPORT FREEWAY, STE 540
IRVING, TEXAS 75062

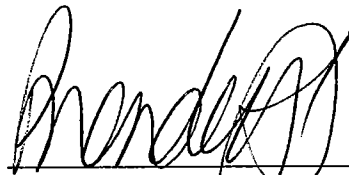
TRUSTEE
THOMAS DWAIN POWERS
125 E. JOHN CARPENTER FRWY.
STE 1100
IRVING, TEXAS 75062-2288

US TRUSTEE
1100 COMMERCE STREET, ROOM 976
DALLAS, TEXAS 75242-1496

PARTIES REQUESTING NOTICE:

MARY A. DAFFIN
1900 ST. JAMES PLACE, STE 500
HOUSTON, TEXAS 77056

SHERREL K. KNIGHTON
2323 BRYAN STREET, STE 1600
DALLAS, TEXAS 75201



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